

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Jerry Franks,

Case No. 5:18 CV 35

Petitioner,

ORDER ADOPTING
REPORT & RECOMMENDATION

-vs-

JUDGE JACK ZOUHARY

Warden Charles Bradley,

Respondent.

Petitioner *pro se* Jerry Franks, a prisoner in state custody, filed a Petition seeking a writ of habeas corpus under 28 U.S.C. § 2254 (Doc. 1). This case was referred to Magistrate Judge James Knepp for a Report and Recommendation (R&R) under Local Rule 72.2. Respondent filed a Motion to Dismiss (Doc. 7). The R&R recommends this Court dismiss the Petition (Doc. 11). Petitioner has not filed an Objection.

Under 28 U.S.C. § 636(b)(1), this Court reviews *de novo* those portions of the R&R to which objections are made. Failure to file objections within the timeframe set forth in the statute constitutes a waiver of *de novo* review. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005). This Court has reviewed the R&R and finds it accurately states the facts and law. This Court therefore adopts the R&R in its entirety.

Accordingly, the Petition is dismissed.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

November 9, 2018